

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

IN THE MATTER OF APPLICATION FOR THE EXEMPTION
OF TIMBER OPERATIONS INVOLVING LODGEPOLE PINE,
ENGLEMANN SPRUCE, AND COMMONLY ASSOCIATED SPECIES
OF TIMBER IN THE STATES OF COLORADO, WYOMING,
UTAH AND IDAHO FROM THE MAXIMUM HOURS PROVISIONS
OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN
INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION
7(b)(3) OF THE ACT AND PART 526 AS AMENDED OF THE
REGULATIONS ISSUED THEREUNDER.

WHEREAS, an application has been filed by the Rocky
Mountain Timber Producers Association for exemption from the
maximum hours provisions of the Fair Labor Standards Act of
1938 of timber operations, involving Lodgepole Pine, Englemann
Spruce, and commonly associated species of timber in the States
of Colorado, Wyoming, Utah and Idaho, as an industry of a
seasonal nature pursuant to Section 7(b)(3) of the Act and
Part 526 as amended of the regulations issued thereunder.

NOW, THEREFORE, notice is hereby given of a public
hearing to be held at the Albany Hotel, Denver, Colorado to
commence at ten o'clock a.m. on May 14, 1940 before Mr. Burton
D. Seeley, an authorized representative of the Administrator,
who shall take testimony, hear argument and determine:

Whether timber operations involving Lodgepole
Pine, Englemann Spruce, and commonly associated
species of timber in the States of Colorado,
Wyoming, Utah and Idaho, as defined herein, or
any subdivision thereof, is an industry of a
seasonal nature within the meaning of Section
7(b)(3) of the Act and Part 526 as amended of
the regulations issued thereunder.

The term "timber operations, involving Lodgepole
Pine, Englemann Spruce, and commonly associated species of
timber" as used in this Notice of Hearing, means the logging
and reduction to usable form in the woods of Lodgepole Pine,
Englemann Spruce, and commonly associated species of timber

in the aforementioned states, and may include the hauling of the logs from the woods to the saw mill and the delivery of the logs or rough manufactured products to local markets or shipping points. It shall not include the treating or further processing of such logs or rough manufactured products.

Any person interested in supporting or opposing the application for exemption may appear on his own behalf or on the behalf of any other person provided that he shall file with the Administrator at his office in Washington, D. C., prior to Noon on May 11, 1940, a Notice of Intention to Appear which shall contain the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
- (3) Whether he is appearing in support of or in opposition to the application for exemption.
- (4) The approximate length of time which his presentation will consume.
- (5) A detailed description of the specific operations with respect to which the appearance is made.

Signed at Washington, D. C., this 20th day of April, 1940.



Philip B. Fleming
Colonel, Corps of Engineers
Administrator
Wage and Hour Division
U. S. Department of Labor

Published in Federal Register, April 26, 1940.